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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2010-210

12 **THOMAS CHARLES NORMAN**
4200 The Woods Drive #903
13 San Jose, California 95136

ACCUSATION

14 **Registered Nurse License No. 700453**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19
20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
22 of Consumer Affairs.

23 2. On or about March 20, 2007, the Board of Registered Nursing issued Registered
24 Nurse License Number 700453 to Thomas Charles Norman (Respondent). The Registered Nurse
25 License was in full force and effect at all times relevant to the charges brought herein and will
26 expire on June 30, 2010, unless renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board of Registered Nursing (Board),
3 Department of Consumer Affairs, under the authority of the following laws. All section
4 references are to the Business and Professions Code (Code) unless otherwise indicated.

5 **STATUTORY PROVISIONS**

6 4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline
7 any licensee, including a licensee holding a temporary or an inactive license, for any reason
8 provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

9 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
10 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
11 licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the
12 Code, the Board may renew an expired license at any time within eight years after the expiration.

13 6. Section 2761 of the Code states, in pertinent part:

14 "The board may take disciplinary action against a certified or licensed nurse or deny an
15 application for a certificate or license for any of the following:

16 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

17

18 "(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action
19 against a health care professional license or certificate by another state or territory of the United
20 States, by any other government agency, or by another California health care professional
21 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that
22 action. . . ."

23 7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
24 administrative law judge to direct a licensee found to have committed a violation or violations of
25 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
26 enforcement of the case.

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28 //

1 CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct: Disciplinary Action by Another

3 California Health Care Professional Licensing Board)

4 8. Respondent is subject to disciplinary action under Code section 2761(a)(4) in that on
5 or about August 19, 2009, his physician assistant license was revoked, with the revocation stayed,
6 and placed on probation for three (3) years by the Physician Assistant Committee of the Medical
7 Board of California for holding himself out as a physician and surgeon, violating drug statutes,
8 and committing dishonesty, which occurred on or about November 1, 2007. One of the terms of
9 Respondent's disciplinary probation included a thirty-day actual suspension. (A copy of the
10 disciplinary decision of the Physician Assistant Committee of the Medical Board of California is
11 attached hereto as Exhibit A and is incorporated herein by reference as though fully set forth.)

12 PRAYER

13 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
14 and that following the hearing, the Board of Registered Nursing issue a decision:

- 15 1. Revoking or suspending Registered Nurse License Number 700453, issued to
16 Thomas Charles Norman;
- 17 2. Ordering Thomas Charles Norman to pay the Board of Registered Nursing the
18 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
19 Professions Code section 125.3; and
- 20 3. Taking such other and further action as deemed necessary and proper.
- 21
- 22

23 DATED: 10/14/09

24 *Louise R. Bailey*
25 LOUISE R. BAILEY, M.ED., RN
26 Interim Executive Officer
27 Board of Registered Nursing
28 Department of Consumer Affairs
State of California
Complainant

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EXHIBIT A

1 EDMUND G. BROWN JR.
Attorney General of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
3 DAVID CARR
Deputy Attorney General
4 State Bar No. 131672
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Attorneys for Complainant

7
8 **BEFORE THE**
9 **PHYSICIAN ASSISTANT COMMITTEE**
10 **MEDICAL BOARD OF CALIFORNIA**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

14 **THOMAS NORMAN, PA**

15 66 Marston Ave
16 San Francisco CA 94112

17 Physician Assistant license No. 12249

18 Respondent.

Case No. 1E-2007-187970

OAH No. 2009010575

19 **STIPULATED SETTLEMENT AND**
20 **DISCIPLINARY ORDER**

21 In the interest of a prompt and speedy settlement of this matter, consistent with the public
22 interest and the responsibility of the Physician Assistant Committee, Medical Board of California
23 of the Department of Consumer Affairs, the parties hereby agree to the following Stipulated
24 Settlement and Disciplinary Order which will be submitted to the Committee for approval and
25 adoption as the final disposition of the Accusation.

26 **PARTIES**

27 1. Elberta Portman (Complainant) is the Executive Officer of the Physician Assistant
28 Committee. She brought this action solely in her official capacity and is represented in this
matter by Edmund G. Brown Jr., Attorney General of the State of California, by David

1 Carr, Deputy Attorney General. Respondent Thomas Norman is represented by Leland B.
2 Altschuler, 407 Sherman Avenue, Suite 200, Palo Alto, California, 94306.

3 2. On or about January 30, 1989, the Physician Assistant Committee issued Physician
4 Assistant license No. 12249 to Thomas Norman, (Respondent). That license has been renewed
5 and is in active status.

6 JURISDICTION

7 3. Accusation No. 1E-2007-187970 was filed before the Physician Assistant Committee
8 (Committee) for the Medical Board of California, Department of Consumer Affairs, and is
9 currently pending against Respondent. The Accusation and all other statutorily required
10 documents were properly served on Respondent on December 1, 2008. Respondent timely filed
11 his Notice of Defense contesting the Accusation. A copy of Accusation No. 1E-2007-187970 is
12 attached as exhibit A and incorporated herein by reference.

13 ADVISEMENT AND WAIVERS

14 4. Respondent is fully aware of his legal rights in this matter, including the right to a
15 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
16 his own expense; the right to confront and cross-examine the witnesses against him; the right to
17 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
18 the attendance of witnesses and the production of documents; the right to reconsideration and
19 court review of an adverse decision; and all other rights accorded by the California
20 Administrative Procedure Act and other applicable laws.

21 5. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
22 every right set forth above.

23 CULPABILITY

24 6. Respondent does not contest that, at an administrative hearing, Complainant could
25 establish a *prima facie* case with respect to the charges and allegations contained in Accusation
26 No. 1E-2007-187970 and that he has therefore subjected his license to disciplinary action.

27 7. Respondent agrees to be bound by the Physician Assistant Committee (Committee) 's
28 imposition of discipline as set forth in the Disciplinary Order below.

1 / CIRCUMSTANCES IN MITIGATION

2 8. Respondent Thomas Norman, PA has never been the subject of any disciplinary
3 action. He is admitting responsibility at an early stage in the proceedings.

4 RESERVATION

5 9. The admissions made by Respondent herein are only for the purposes of this
6 proceeding, or any other proceedings in which the Physician Assistant Committee, Medical Board
7 of California, or other professional licensing agency is involved, and shall not be admissible in
8 any other criminal or civil proceeding.

9 CONTINGENCY

10 10. This stipulation shall be subject to approval by the Physician Assistant Committee.
11 Respondent understands and agrees that counsel for Complainant and the staff of the Physician
12 Assistant Committee may communicate directly with the Committee regarding this stipulation
13 and settlement, without notice to or participation by Respondent. By signing the stipulation,
14 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the
15 stipulation prior to the time the Committee considers and acts upon it. If the Committee fails to
16 adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order
17 shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
18 between the parties, and the Committee shall not be disqualified from further action by having
19 considered this matter.

20 11. The parties understand and agree that facsimile copies of this Stipulated Settlement
21 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
22 effect as the originals.

23 12. In consideration of the foregoing admissions and stipulations, the parties agree that
24 the Committee may, without further notice or formal proceeding, issue and enter the following
25 Disciplinary Order:

26 ///

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician Assistant license No. 12249 issued to Respondent Thomas Norman, (Respondent) is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

1. **ACTUAL SUSPENSION** As part of probation, respondent is suspended from the practice of medicine as a physician assistant for 30 days, beginning the effective date of this decision.

2. **CONTROLLED DRUGS - PARTIAL RESTRICTIONS** Respondent shall not issue a drug order for any Schedule II or III drugs as defined by the California Uniform Controlled Substances Act for the first year of his probationary period.

3. **CONTROLLED DRUGS - MAINTAIN RECORD** Respondent shall maintain a record of all controlled substances administered, transmitted orally or in writing on a patient's record or handed to a patient by the respondent during probation showing all the following: 1) the name and address of the patient, 2) the date, 3) the character and quantity of controlled substances involved, 4) the indications and diagnosis for which the controlled substance was furnished, and 5) the name of the supervising physician prescriber.

Respondent shall keep these records in a separate file or ledger, in chronological order, and shall make them available for inspection and copying by the Physician Assistant Committee or its designee, upon request and without charge.

4. **ETHICS COURSE** Within 60 days of the effective date of this decision, Respondent shall submit to the committee or its designee for its prior approval a course in ethics. Respondent shall successfully complete the course within the first year of probation. Respondent shall pay the cost of the course. Respondent shall submit a certification of successful completion to the Committee or its designee within 15 days of completing the course. In the sole discretion of the Committee, Respondent may be given credit for an appropriate ethics course completed prior to the effective date of this order, with certification of successful completion thereof submitted to the Committee within 30 days of the effective date of this order.

5. **ON-SITE SUPERVISION** Respondent shall have at all times on-site supervision by

1 an approved supervising physician. Within 30 days of the effective date of this decision,
2 Respondent shall submit to the Committee or its designee for prior approval the name and license
3 number of the supervising physician and a practice plan detailing the nature of supervision to be
4 provided. Respondent shall not practice until the supervising physician and practice plan are
5 approved by the Committee or its designee. Respondent shall have the supervising physician
6 submit quarterly reports to the Committee or its designee. If the supervising physician is no
7 longer available to serve in that capacity, Respondent shall, within 15 days, submit the name and
8 license number of a new supervising physician to the Committee for approval.

9 6. NOTIFICATION OF EMPLOYER AND SUPERVISING PHYSICIAN

10 Respondent shall notify his current and any subsequent employer and supervising physician(s) of
11 his discipline and provide a copy of the Stipulation, Decision, and Order to each such employer
12 and supervising physician(s) during his period of probation, at the onset of that employment.
13 Respondent shall ensure that each employer informs the Physician Assistant Committee, or its
14 agent, in writing within thirty (30) days, verifying that the employer and supervising physician(s)
15 have been informed of this Stipulation and Order.

16 7. OBEY ALL LAWS Respondent shall obey all federal, state, and local laws, and all
17 rules governing the practice of medicine as a physician assistant in California, and remain in full
18 compliance with any court ordered criminal probation, payments, and other orders.

19 8. QUARTERLY REPORTS Respondent shall submit quarterly declarations under
20 penalty of perjury on forms provided by the committee or its designee, stating whether there has
21 been compliance with all the conditions of probation.

22 9. PROBATION SURVEILLANCE PROGRAM COMPLIANCE Respondent shall
23 comply with the committee's probation surveillance program. Respondent shall, at all times,
24 keep the committee informed of his addresses of business and residence which shall both serve as
25 addresses of record. Changes of such addresses shall be immediately communicated in writing to
26 the committee. Under no circumstances shall a post office box serve as an address of record,
27 except as allowed by California Code of Regulations 1399.523.

28 Respondent shall, at all times, maintain a current and renewed physician assistant license.

Respondent shall also immediately inform the committee, in writing, of any travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty (30) days.

10. INTERVIEW WITH MEDICAL CONSULTANT Respondent shall appear in person for interviews with the committee's medical or expert physician assistant consultant upon request at various intervals and with reasonable notice.

11. TOLLING FOR OUT-OF-STATE PRACTICE OR RESIDENCE The period of probation shall not run during the time respondent is residing or practicing outside the jurisdiction of California. If, during probation, respondent moves out of the jurisdiction of California to reside or practice elsewhere, including federal facilities, respondent is required to immediately notify the committee in writing of the date of departure and the date of return, if any.

12. INITIAL PROBATION INTERVIEW Respondent shall appear in person for an initial interview with a designee of the Physician Assistant Committee within 90 days of the final decision. Respondent shall present himself to an initial interview at a time and place determined by the committee or its designee.

13. UNANNOUNCED CLINICAL SITE VISIT At least once per calendar year, or more frequently as determined by the Committee or its designee, unannounced clinical site visits shall be made by the Committee or its designee to ensure that respondent is complying with all terms and conditions of probation.

14. COMPLETION OF PROBATION Upon successful completion of probation as determined by the committee's executive officer, respondent's license will be fully restored.

15. VIOLATION OF PROBATION If respondent violates probation in any respect, the committee, after giving respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against respondent during probation, the committee shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

16. COST RECOVERY The respondent is hereby ordered to reimburse the Physician

1 Assistant Committee the amount of \$6,000 within 90 days from the effective date of this decision
2 for its investigative and prosecution costs. Failure to reimburse the committee's costs for its
3 investigation and prosecution shall constitute a violation of the probation order, unless the
4 committee agrees in writing to payment by an installment plan because of financial hardship. The
5 filing of bankruptcy by the respondent shall not relieve the respondent of his responsibility to
6 reimburse the committee for its costs.

7 17. PROBATION MONITORING COSTS Respondent shall pay to the Committee each
8 year the actual costs of probation monitoring costs of approximately \$1000 per year.

9 ACCEPTANCE

10 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
11 discussed the terms and conditions contained therein with my attorney Leland B. Altschuler. I
12 understand the effect this Stipulation will have on my Physician Assistant license. I enter into
13 this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and
14 agree to be bound by the Decision and Order of the Physician Assistant Committee, Medical
15 Board of California.

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17 DATED: 16 May 09

18 15th
2BA

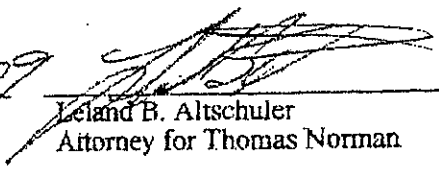
19 
THOMAS NORMAN, PA - c
Respondent

(formerly)

20 I have read and fully discussed with my client Thomas Norman the terms and conditions
21 and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve
22 its form and content.

23
24 DATED: May 15 2009

25 2BA

26 
Leland B. Altschuler
Attorney for Thomas Norman

27 //


ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Physician Assistant Committee, Medical Board of California of the Department of Consumer Affairs.

Dated: May 13, 2009

Respectfully Submitted,

EDMUND G. BROWN JR.
Attorney General of California
JOSE R. GUERRERO
Supervising Deputy Attorney General


DAVID CARR
Deputy Attorney General
Attorneys for Complainant

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Stipulation.rtf

Exhibit A

Accusation No. 1E-2007-187970

ORIGINAL

FILED

STATE OF CALIFORNIA

MEDICAL BOARD OF CALIFORNIA

SACRAMENTO October 1 2008
BY Alan F. [Signature] ANALYST

1 EDMUND G. BROWN JR., Attorney General
of the State of California
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7 Attorneys for Complainant

8 **BEFORE THE**
9 **PHYSICIAN ASSISTANT COMMITTEE OF**
10 **THE MEDICAL BOARD OF CALIFORNIA**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **THOMAS CHARLES NORMAN, P.A.**
14 4200 The Woods, Apt. 903
San Jose, CA 95136

15 Physician Assistant License No. PA 12249

16 Respondent.

PAC Case No. 1E-2007-187970

OAH No.:

ACCUSATION

18 The Complainant alleges:

19 **PARTIES**

20 1. Complainant, Elberta Portman, is the Executive Officer of the Physician
21 Assistant Committee of the Medical Board of California, Department of Consumer Affairs, State
22 of California (hereinafter "the Committee") and brings this Accusation solely in her official
23 capacity.

24 2. On January 30, 1989, the Committee issued Physician Assistant License
25 No. PA 12249 to Thomas Charles Norman, (hereinafter "Respondent" or "Mr. Norman").
26 Respondent's license expired on May 31, 2008 and is in delinquent status. There is no history of
27 prior disciplinary action against this license.

JURISDICTION

3. Section 3504 of the Business and Professions Code (hereinafter referred to as "the Code") provides for the existence of the Committee within the Medical Board of California (hereinafter "the Board").

4. Section 3527 of the Code provides, in pertinent part, that the Committee may order the suspension or revocation of, or the imposition of probationary conditions upon, a physician assistant license after a hearing as required in Section 3528 for unprofessional conduct which includes, but is not limited to, a violation of this chapter (Chapter 7.7, §3500, *et seq.* of the Business and Professions Code), a violation of the Medical Practice Act (Business and Professions Code §2000 *et seq.*), or a violation of the regulations adopted by the Committee or the Board. If probation is imposed, the Committee may order the licensee to pay the costs of monitoring the probationary conditions imposed on the licensee.

5. Section 1399.521 of Title 16 of the California Code of Regulations provides, in pertinent part:

"In addition to the grounds set forth in section 3527, subd. (a), of the code, the committee may ... suspend, revoke, or place on probation a physician assistant for the following causes:

(a) Any violation of the State Medical Practice Act which would constitute unprofessional conduct for a physician and surgeon.

...

(e) Performing medical tasks which exceed the scope of practice of a physician assistant as prescribed in these regulations."

6. Section 2234 of the Code provides, in pertinent part, that the Board shall take action against any licensee who is charged with unprofessional conduct. Unprofessional conduct includes, but is not limited to, the following:

(a) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter.

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"...."

"(e) The commission of any act involving dishonesty or corruption which is substantially related to the qualifications, functions, or duties of a physician and surgeon.

"...."

7. Section 2052 of the Code states:

"Any person who practices or attempts to practice, or who advertises or holds himself or herself out as practicing, any system or mode of treating the sick or afflicted in this state, or who diagnoses, treats, operates for, or prescribes for any ailment, blemish, deformity, disease, disfigurement, disorder, injury, or other physical or mental condition of any person, without having at the time of so doing a valid, unrevoked, or unsuspended [physician and surgeon's] certificate as provided in this chapter, or without being authorized to perform such act pursuant to a certificate obtained in accordance with some other provision of law, is guilty of a misdemeanor."

8. Section 2238 of the Code provides that any violation of any federal or state statute or regulation regulating dangerous drugs or controlled substances constitutes unprofessional conduct.

9. Section 11153 of the Health and Safety Code provides that a prescription for a controlled substance shall be issued only for a legitimate medical purpose by an individual practitioner acting in the usual scope of his or her professional practice. Violation of this section is a felony.

10. Section 2261 of the Code provides that knowingly making or signing any certificate or other document directly or indirectly related to the practice of medicine or podiatry which falsely represents the existence or nonexistence of a state of facts, constitutes unprofessional conduct.

11. The following sections of Title 16 of the California Code of Regulations provide, in pertinent part, as follows:

///

1 A. §1399.540. Limitation on Medical Services.

2 "A physician assistant may only provide those medical services which he or she is
3 competent to perform and which are consistent with the physician assistant's education,
4 training, and experience, and which are delegated in writing by a supervising physician
5 who is responsible for the patients cared for by that physician assistant. The committee or
6 division or their representative may require proof or demonstration of competence from
7 any physician assistant for any tasks, procedures or management he or she is performing.
8 A physician assistant shall consult with a physician regarding any task, procedure or
9 diagnostic problem which the physician assistant determines exceeds his or her level of
10 competence or shall refer such cases to a physician."

11 B. §1399.541. Medical Services Performable.

12 "Because physician assistant practice is directed by a supervising physician, and a
13 physician assistant acts as an agent for that physician, the orders given and tasks
14 performed by a physician assistant shall be considered the same as if they had been given
15 and performed by the supervising physician. Unless otherwise specified in these
16 regulations or in the delegation or protocols, these orders may be initiated without the
17 prior patient specific order of the supervising physician."

18 "In any setting, including for example, any licensed health facility, out-patient settings,
19 patients' residences, residential facilities, and hospices, as applicable, a physician assistant
20 may, pursuant to a delegation and protocols where present:

21 "...."

22 "(h) Administer medication to a patient, or transmit orally, or in writing on a patient's
23 record, a prescription from his or her supervising physician to a person who may lawfully
24 furnish such medication or medical device. The supervising physician's prescription,
25 transmitted by the physician assistant, for any patient cared for by the physician assistant,
26 shall be based either on a patient-specific order by the supervising physician or on written
27 protocol which specifies all criteria for the use of a specific drug or device and any
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1 contraindications for the selection. A physician assistant shall not provide a drug or
2 transmit a prescription for a drug other than that drug specified in the protocol, without a
3 patient-specific order from a supervising physician. At the direction and under the
4 supervision of a physician supervisor, a physician assistant may hand to a patient of the
5 supervising physician a properly labeled prescription drug prepackaged by a physician, a
6 manufacturer, as defined in the Pharmacy Law, or a pharmacist. In any case, the medical
7 record of any patient cared for by the physician assistant for whom the physician's
8 prescription has been transmitted or carried out shall be reviewed and countersigned and
9 dated by a supervising physician within seven (7) days. A physician assistant may not
10 administer, provide or transmit a prescription for controlled substances in Schedules II
11 through V inclusive without patient-specific authority by a supervising physician.

12 "...."

13 CONTROLLED SUBSTANCES AND DANGEROUS DRUGS

14 12. IBU 800 mg. is a trade name for prescription strength ibuprofen tablets.
15 Ibuprofen is a non-steroidal anti-inflammatory agent indicated for the relief of mild to moderate
16 pain. It is a dangerous drug as defined in section 4022 of the Code.

17 13. Valium is a trade name for diazepam, a benzodiazepine derivative
18 indicated for management of anxiety disorders and as an adjunct for the relief of skeletal muscle
19 spasm. It is a dangerous drug under section 4022 of the Code and a Schedule IV controlled
20 substance under Health and Safety Code section 11057(d).

21 14. Vicodin is a trade name for hydrocodone bitartrate and acetaminophen
22 tablets. Hydrocodone is a semisynthetic narcotic analgesic and antitussive with actions
23 qualitatively similar to those of codeine. Vicodin is indicated for the relief of moderate to
24 moderately severe pain. It is a dangerous drug under section 4022 of the Code and a Schedule III
25 controlled substance under Health and Safety Code section 11056(e).

26 FACTS

27 15. On or about November 1, 2007, Respondent entered a pharmacy
28

1 in San Jose, California and spoke with the pharmacy technician, stating that he was a physician
2 and that he wished to use the pharmacy's prescription forms to write prescriptions for Ibuprofen
3 800 mg. #30, Valium 5 mg. #20, and Vicodin tablets #10 for patient D.P. The technician asked
4 to see Respondent's physician and surgeon's certificate, and Respondent presented his physician
5 assistant license. The technician then requested Respondent's office address, which Respondent
6 said he could not remember.

7 16. The pharmacy technician spoke with the pharmacist who, requested the
8 name of Respondent's supervising physician. Respondent first provided the name of a physician
9 supervisor at Kaiser Permanente Emergency Department in San Diego, California. Respondent
10 had been an employee at that hospital but left more than 16 months earlier. The pharmacist did
11 not recognize the physician's name and Respondent then gave the name of a physician connected
12 with Hazel Hawkins Community Health Center in Hollister, CA. The technician made out three
13 prescriptions pursuant to Respondent's instructions.

14 17. The pharmacist recognized the local physician's name and indicated she
15 would call his office to confirm the prescriptions, even though Respondent requested that she not
16 do so. Upon contacting the physician's office, the pharmacist was informed that Respondent no
17 longer worked at the clinic and that the doctor named was no longer his supervising physician.
18 The doctor's office paged the doctor and he instructed staff to tell the pharmacist not to fill the
19 prescriptions and to call the police. Respondent had left the pharmacy during the pharmacist's
20 telephone call.

21 18. Following the incident, Respondent wrote letters of apology to the local
22 physician as well as the pharmacy, substantially admitting his conduct and explaining that he was
23 only trying to do a favor for a friend.

24 FIRST CAUSE FOR DISCIPLINE

25 (Holding Self Out as a Physician and Surgeon)

26 19. The allegations of paragraphs 15 through 18, above, are incorporated
27 herein as if fully set forth.
28

1 20. Respondent is subject to discipline pursuant to sections 3527, 2261, and
2 2052 of the Code in that he held himself out to be a physician and surgeon and sought to write
3 and fill prescriptions on November 1, 2007 and caused the technician to fill out such
4 prescriptions, two for controlled substances, without a valid physician and surgeon's certificate
5 and without supervision or authorization under his physician assistant license.

6 **SECOND CAUSE FOR DISCIPLINE**

7 (Violation of Drug Statutes)

8 21. The allegations of paragraphs 15 through 18, above, are incorporated
9 herein by reference as if fully set forth.

10 22. Respondent is subject to discipline pursuant to sections 3527 and 2238 of
11 the Code in conjunction with section 11153 of the Health and Safety Code and sections 1399.540
12 and 1399.541 of Title 16 of the California Code of Regulations in that without a current physician
13 supervisor, Respondent attempted to issue and fill prescriptions for controlled substances without
14 proper protocol, authorization, delegation or consultation for an individual who was not the
15 patient of any physician supervising Respondent.

16 **THIRD CAUSE FOR DISCIPLINE**

17 (Dishonesty)

18 23. The allegations of paragraphs 15 through 18, above, are incorporated
19 herein by reference as if fully set forth.


20 24. Respondent is subject to disciplinary action pursuant to sections 3527 and
21 2234(e) of the Code in that he falsely represented that he was a physician, falsely represented that
22 he had a physician supervisor and authorization to prescribe for the patient indicated, and
23 attempted to make and have filled prescriptions for a dangerous drug and two controlled
24 substances based upon these false representations.

25 **PRAYER**

26 WHEREFORE, the complainant requests that a hearing be held on the matters
27 herein alleged, and that following the hearing, the Committee issue a decision:
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- 1 1. Revoking or suspending Physician Assistant License Number PA 12249,
2 issued to Respondent Thomas Charles Norman;
3 2. If probation is included in any order issued herein, ordering Respondent to
4 pay the costs of monitoring the conditions of probation, and;
5 3. Taking such other and further action as the Committee deems necessary and
6 proper.

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8 DATED: October 1, 2008
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12 ELBERTA PORTMAN
13 Executive Officer
14 Physician Assistant Committee of the
15 Medical Board of California
16 Department of Consumer Affairs
17 State of California

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Complainant